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5 **OK/HAV**

6 Attorney for Defendant
7 STUART MARTIN ALLEN

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) No. CR-S-04-0438 DFL
12 Plaintiff,)
13 v.) STIPULATION AND [PROPOSED ORDER]
14 STUART MARTIN ALLEN,) Date: March 30, 2006
15) Time: 10:00 A.M.
16 Defendant.) Judge: Hon. David F. Levi
17

18 IT IS HEREBY STIPULATED by and between the parties hereto through
19 their respective counsel, WILLIAM WONG, Assistant United States
20 Attorney, attorney for Plaintiff, and DENNIS S. WAKS, Supervising
21 Assistant Federal Defender, attorney for defendant, that the current
22 status conference date of March 2, 2006 be vacated and a new status
23 conference date of March 30, 2006 at 10:00 a.m. be set.

24 Counsel has recently received a plea agreement in this case and
25 will need additional time to speak with Mr. Allen and review the
26 proposed plea agreement and review the discovery in the case.

27 It is further stipulated and agreed between the parties that the
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1 period beginning March 2, 2006 to March 30, 2006, should be excluded in
2 computing the time within which the trial of the above criminal
3 prosecution must commence for purposes of the Speedy Trial Act for
4 defense preparation. All parties stipulate and agree that this is an
5 appropriate exclusion of time within the meaning of Title 18, United
6 States Code, Section 3161(h)(8)(iv) (Local Code T4) and that the ends
7 of justice to be served by a continuance outweigh the best interests of
8 the public and the defendant in a speedy trial.

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10 Dated: March 1, 2006

11 Respectfully submitted,

12 DANIEL J. BRODERICK
13 Acting Federal Defender

14 /s/ Dennis S. Waks
15 DENNIS S. WAKS
16 Supervising Assistant Federal Defender
17 Attorney for Defendant
18 STUART MARTIN ALLEN

19
20 MCGREGOR W. SCOTT
21 United States Attorney

22 Dated: March 1, 2006

23 BY: /s/ Dennis S. Waks for
24 WILLIAM WONG
25 Assistant U.S. Attorney

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Stipulation and order/Stuart Allen\Cr-S-04-438

ORDER

Based on the parties' stipulation and good cause appearing therefrom, the Court hereby adopts the stipulation of the parties in its entirety as its order. The Court specifically finds that the ends of justice served by the granting of such continuance outweigh the interests of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

DATED: 3/2/2006

DAVID F. LEVI
United States District Judge